IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6038 of 2007
Date of decision: 27.11.2007

Surjit Kaur **...Petitioner**

Versus

Anureet and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sudeep Mahajan, Advocate for the petitioner.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order dated November 01, 2007 passed by the learned Civil Judge (Junior Division), Amritsar whereby application filed by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure for impleading her as one of the defendant in the suit was dismissed.

The dispute in the suit is regarding inheritance of the property of Sardar Gujjar Singh son of Ganda Singh and the present petitioner is daughter of Gujar Singh and claim for impleading as party to the suit is sought to be made on the ground that she is entitled to inherit the property of her deceased father and accordingly a necessary party in the suit regarding the property left by him. Application was contested with the plea that besides the same being belated, no relief has been claimed against the petitioner/applicant. The issue in the suit was only with regard to Will propounded by plaintiffs in the suit as against the other legal heirs. In such a suit, petitioner/applicant cannot be held to be necessary or proper party when other heirs of the property are already contesting the Will sought to be propounded by the plaintiffs in the suit.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

November 27, 2007 **(Rajesh Bindal)**
Pka **Judge**